

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SCOTTY EUGENE ALLEN

§

§

vs.

§

CIVIL ACTION NO. 6:15cv881

§

COMMISSIONER, SOCIAL

§

SECURITY ADMINISTRATION

§

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED
STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and that the complaint be dismissed with prejudice. Plaintiff filed written objections on September 14, 2017.

Having made a *de novo* review of the objection filed by Plaintiff, the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objection is without merit. In his objection, Plaintiff asserts that the Report and Recommendation erred in finding that Plaintiff failed to point to objective medical evidence contradicting the ALJ's residual functional capacity ("RFC"). Plaintiff then recites a portion of the short summary of the medical evidence that was in his brief.

As noted in the Report and Recommendation, Plaintiff's brief failed to identify any specific facts showing an error by the ALJ. The analysis portion of Plaintiff's brief merely recites boilerplate language concerning the applicable standard and includes a conclusory assertion that

the ALJ did not carefully consider the evidence. Plaintiff's brief did not point to any rejected limitations or explain how they would have affected his RFC. In contrast, the ALJ's decision and the Report and Recommendation thoroughly summarize the medical record evidence and the application of the appropriate legal standard in the context of Plaintiff's medical evidence and assertions. The ALJ's RFC finding is consistent with the medical record as a whole and is supported by substantial evidence. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

ORDERED that Plaintiff's objection is **OVERRULED**. The decision of the Commissioner is **AFFIRMED** and this Social Security action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **22** day of **September, 2017**.



Ron Clark, United States District Judge